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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION AT LOS ANGELES**

11 GUANG TAI HE IMPORT EXPORT, INC.,

12 Plaintiff,

13 vs.

14 DANIEL P. MITCHELL, DOES 1-5, inclusive,

15 Defendants.
16

Case No. 2:24-cv-930-JFW-BFMx

PRELIMINARY INJUNCTION

17 **ORDER**

18 After considering the papers submitted and for good cause, the Court issues a preliminary
19 injunction.

20 Plaintiff GUANG TAI HE IMPORT EXPORT, INC. has demonstrated: (1) likelihood of
21 success on its first and third claims for relief on the basis that “SPC” is generic for stone plastic
22 composite core flooring, Plaintiff’s use is fair use, and there is no likelihood of confusion, (2)
23 likelihood of irreparable harm to Plaintiff, its customer relationships, and its financial survival
24 from the continued detention of its containers of SPC flooring by U.S. Customs and Border
25 Protection and the risk of detention of future incoming shipments, (3) balance of equities tips in
26 the moving party’s favor because of the ongoing use of the term “SPC” across the flooring
27 industry, the lack of likely confusion specifically between Plaintiff and Defendant or their
28 products, and the use of the mark for its generic reference to the genus of product rather than to

PRELIMINARY INJUNCTION

1 denote a particular producer, and (4) the public interest favors protecting (and not restricting) use
2 of generic and descriptive terms used for their primary purpose of referring to the type of good.

3 The Court hereby **ISSUES** the following preliminary injunction:

4 (1) Daniel P. Mitchell is barred from directly or indirectly (or through its agents or those
5 acting under its direction or control) from attempting to enforce the “SPC” mark against Plaintiff,
6 including U.S. Registration No. 5,305,381;

7 (2) U.S. Customs and Border Protection is directed to immediately release Plaintiff
8 GUANG TAI HE IMPORT EXPORT, INC’s detained containers, including in association with
9 the detention notices denoted as detained on or about January 17, 2024 as Entry No. 847-
10 23156794 and detained on or about February 2, 2024 as Entry No. EAE04046551, currently
11 identified as detained at Port Baltimore, MD – 1303, and not to detain further shipments of
12 Plaintiff GUANG TAI HE IMPORT EXPORT, INC. on the basis of U.S. Registration No.
13 5,305,381 and/or using “SPC” or “SPC FLOORING”.

14 (3) Daniel P. Mitchell shall not directly or indirectly interfere in Plaintiff’s import and sale
15 of its SPC flooring.

16 Because the Court finds no appreciable harm likely to inure to Defendant Daniel P.
17 Mitchell due to this Preliminary Injunction, no bond is required at this time.

18 **DURATION OF THIS ORDER**

19 This Order shall expire upon entry of a final judgment in this case.

20 **SERVICE OF THIS ORDER**

21 IT IS FURTHER ORDERED that the Plaintiff is directed to provide notice to Defendant
22 Daniel P. Mitchell and serve Defendant Daniel P. Mitchell with copies of this Preliminary
23 Injunction immediately.

24
25 Dated: March 12, 2024


HON. JOHN F. WALTER
UNITED STATES DISTRICT JUDGE